

Atty Docket No. 044463.002

4

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

Ignatius, et al.

Serial No.: 09/495,751

Filed: February 1, 2000

For: High Speed Data Transfer Mechanism

§ Group Art Unit: 2756

§
§ Examiner: Not assigned§
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§**CERTIFICATE OF MAILING**

Pursuant to 37 C.F.R. Sec. 1.10, I hereby certify that this paper is being deposited with the United States Postal Service, in an envelope addressed to: Office of Petitions, Patents and Trademark Office, Washington, D.C. 20231, on May 29, 2001 via Express Mail Label EL813906458US

By:

Yvonne M. Leman

Person Mailing

PETITION FOR CORRECTED PRIORITY DOCUMENT

Office of Petitions
U.S. Patent and Trademark Office
Washington, D.C. 20231

RECEIVED

SEP 25 2001

OFFICE OF PETITIONS
DEPUTY A/C PATENTS

Dear Sir:

Please correct the Official Filing Date as currently shown on the Certified Priority Document to February 1, 2000. Enclosed is a copy of the Second Request for Corrected Filing Receipt as filed today (see Attachment A). The original Request for Corrected Filing Receipt dated June 8, 2000 was made in error regarding the official filing date of the application.

A copy of the correct, original Official Filing Receipt is enclosed herewith (see Attachment B), as well as a copy of the return postcard with the official filing date and serial number stamped thereon (see Attachment C). The change corresponds to the information contained in the application as filed. Applicant respectfully requests that these changes be made. In addition, Applicant respectfully requests that a corrected Certified Priority Document be re-issued to the International Bureau for the International Application PCT/US01/02931, which claims priority of the above-identified U.S. application.

Per the attached communication Form PCT/IB/316 (see Attachment D) from the International Bureau dated May 11, 2001, the Priority Document of the above-referenced application incorrectly states that the official filing date is January 30, 2000.

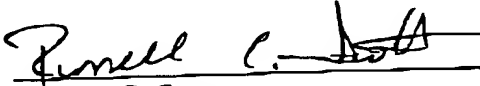
Please note that under PCT Rule 26bis.1(a), the deadline to correct or make changes to the priority claim for the PCT Application is June 1, 2001. The priority claim information has previously been provided to the RO/US as follows: Filing Date of Earlier Application: 01 February 2000, Number of Earlier Application: 09/495,751.

Atty Docket No. 044463.0020

No fees are believed to be due. If any fees are deemed necessary, the Commissioner is authorized to charge Akin, Gump, Strauss, Hauer & Feld, L.L.P. Deposit Account No. 01-0660 (044463.0020).

Respectfully submitted,

Date: May 29, 2001



Russell C. Scott
Reg No. 43,103

Akin, Gump, Strauss, Hauer & Feld, L.L.P.
816 Congress Avenue, Suite 1900
Austin, Texas 78701
Tel: (512) 499-6200
Fax: (512) 499-6290

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. 044463.0020)

In the Application of:

Ignatius, et al.

Serial No.: 09/495,751

Filed: February 1, 2000

For: High Speed Data Transfer Mechanism

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Group Art Unit: 2756

Examiner: Not assigned

CERTIFICATE UNDER 37 C.F.R. 1.8(a)
Certificate of Transmission

Pursuant to 37 CFR 1.6(d) and 1.8, I hereby certify that this paper is being sent for filing via facsimile transmission to: Application Processing Division, Customer Correction Branch, Patent & Trademark Office, Washington, D.C. 20231, facsimile number (703) 308-7751, on May 29, 2001.

By:



Yvonne M. Ferrari

SECOND REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT

Application Processing Division
Customer Correction Branch
United States Department of Commerce
Patent & Trademark Office
Washington, D.C. 20231

Dear Sir:

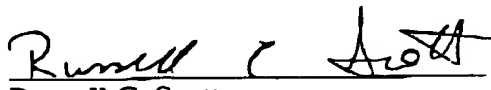
Please correct the filing date as currently shown on the Corrected Official Filing Receipt to **February 1, 2000**. Attached is a copy of the original return postcard with the serial number and filing dated stamped thereon. A first Request for Corrected Official Filing Receipt was mailed on June 8, 2000, but was incorrectly entered by the U.S. Patent and Trademark Office. Please disregard this first request for corrected filing date.

A copy of the Corrected Filing Receipt is enclosed herewith with changes noted thereon. The changes correspond to the information contained in the application as filed. Applicant respectfully requests that these changes be made and that a new Corrected Filing Receipt be issued for the above-identified application.

No fees are believed to be due. If any fees are deemed necessary, the Commissioner is authorized to charge Akin, Gump, Strauss, Hauer & Feld, L.L.P. Deposit Account No. 01-0660.

Respectfully submitted,

Date: May 29, 2001



Russell C. Scott

Reg No. 43,103

CORRECTED FILING RECEIPT



OC00000005337447

UNITED STATES DEPARTMENT OF
COMMERCE
Patent and Trademark OfficeAddress: ASSISTANT SECRETARY AND
COMMISSIONER OF PATENT AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE RECD	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/495,751	01/30/2000 02/01/2000	2756	820	044463.0020	17	2	2

Russell C Scott
Akin Gump Strauss Hauer & Feld LLP
816 Congress Avenue
Suite 1900
Austin, TX 78701

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Date Mailed: 08/21/2000

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Paul Ignatius, Jackson, NJ ;
Anand Prahlad, East Brunswick, NJ ;
Varghese Devassy, Mississauga, CANADA;
Mahesh Tyagarajan, San Jose, CA ;
Robert Wu, Belford, NJ ;
Shankar R. Iyer, Mississauga, CANADA;

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AUG 28 2000

Docketed by
Assign
Due Date

[Handwritten signature]
[Handwritten initials]

Continuing Data as Claimed by Applicant

THIS APPLICATION IS A CIP OF 09/038,440 03/11/1998
WHICH CLAIMS BENEFIT OF 60/063,831 10/30/1997

Foreign Applications

If Required, Foreign Filing License Granted 04/05/2000

—

Title

High speed data transfer mechanism

Preliminary Class

709

very: er Index & Postcard #3389

BOX: PATENT APPLICATION
ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

The stamp of the Patent Office, placed hereon, acknowledges receipt of:

Serial No.: Not assigned
Applicant: Ignatius, et al.
Title: High Speed Data Transfer Mechanism
Client: CommVault Systems, Inc.
AGSHF ID: 044463.0020
Attorney: JDB:RCS:tan
Mailing Date: January 31, 2000

Express Mail EL387038495US

Enclosed:

- ☒ Non-Provisional Patent Application Transmittal (☒ 37 C.F.R. 1.10)
☒ Non-Provisional Patent Application (36 pages)
☒ Informal Drawings (17 sheets)
☒ Return Postcard

Date Mailed: January 31, 2000

BOX: PATENT APPLICATION
ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

The stamp of the Patent Office, placed hereon, acknowledges receipt of:

Serial No.: Not assigned
Applicant: Ignatius, et al.
Title: High Speed Data Transfer Mechanism
Client: CommVault Systems, Inc.
AGSHF ID: 044463.0020
Attorney: JDB:RCS:tan
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- ☒ Non-Provisional Patent Application Transmittal (☒ 37 C.F.R. 1.10)
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Date Mailed: January 31, 2000

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JC678 U.S. PTO
09/495751
02/01/00

FILING RECEIPT



OC00000005112134

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark OfficeAddress: ASSISTANT SECRETARY AND
COMMISSIONER OF PATENT AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/495,751	02/01/2000	2756	820	044463.0020	17	2	2

Russell C Scott
Akin Gump Strauss Hauer & Feld LLP
816 Congress Avenue
Suite 1900
Austin, TX 78701

Date Mailed: 05/12/2000

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

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Applicant(s)

Paul Ignatius, Jackson, NJ ;
Anand Prahlad, East Brunswick, NJ ;
Varghese Devassy, Mississauga, CANADA;
Mahesh Tyagarajan, San Jose, CA ;
Robert Wu, Belford, NJ ;
Shankar R. Iyer, Mississauga, CANADA;

MAY 23 2000

DOCKETED BY
ACTION
Due date

SB
PROB 6113
01/21/00

Continuing Data as Claimed by Applicant

THIS APPLICATION IS A CIP OF 09/038,440 03/11/1998
THIS APPLICATION IS A CIP OF 09/038,440 03/11/1998
WHICH CLAIMS BENEFIT OF 60/063,831 10/30/1997
AND CLAIMS BENEFIT OF 60/063,831 10/30/1997

Foreign Applications

If Required, Foreign Filing License Granted 04/05/2000

-

Title

High speed data transfer mechanism

Preliminary Class

PATENT COOPERATION TREATY

PCTINVITATION TO CORRECT
PRIORITY CLAIM

(PCT Rules 4.10, 26bis.1, 26bis.2(a) and (b))

From the INTERNATIONAL BUREAU

To:

SCOTT, Russell, C.
Akin, Gump, Strauss,
Hauer & Feld, LLP
Suite 1900
816 Congress Avenue
Austin, TX 78701
ETATS-UNIS D'AMERIQUE

Date of mailing (day/month/year) 11 May 2001 (11.05.01)	REPLY DUE See item 1
Applicant's or agent's file reference 44463.0037PC	
International application No. PCT/US01/02931	International filing date (day/month/year) 29 January 2001 (29.01.01)
Applicant COMMAVAULT SYSTEMS, INC.	

The applicant is hereby invited, within the time limit indicated below, to correct, by a notice submitted to the International Bureau, defects in the priority claim(s), as indicated in the Annex:

- Time limit to respond to this invitation (Rule 26bis.1(a)):
 - within 16 months from the (earliest) priority date, or
 - if the (earliest) priority date is changed as a result of the correction or addition of the (earliest) priority claim, within 16 months from that (earliest) priority date so changed,
 whichever expires first, provided that such a notice may, in any event, be submitted until the expiration of four months from the international filing date.

Failure to respond to this invitation within the prescribed time limit may result in the priority claim concerned to be considered, for the purposes of the procedure under the PCT, not to have been made (Rule 26bis.2(b)).

- In the case where multiple priorities have been claimed, this invitation relates to the following priority claim(s):

- A copy of this invitation is being sent to the receiving Office.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer A. Karkachi
Facsimile No. (41-22) 740.14.35	Telephone No. (41-22) 338.83.38

ANNEX TO FORM PCT/IB/316

International application No.

PCT/US01/02931

The International Bureau has found the following defects in the priority claim(s):

1. Failure to Comply with the Requirements of Rule 4.10

- a. ☐ National application
- ☐ Missing indication of the filing date of the earlier application.
 - ☐ Filing date indicated for the earlier application does not fall within the period of 12 months preceding the international filing date.
 - ☐ Missing indication of the number of the earlier application.*
 - ☐ Missing indication of the country party to the Paris Convention for the Protection of Industrial Property, or of the Member of the World Trade Organization that is not party to that Convention, in which the earlier national application was filed.
 - ☐ The country indicated is neither a party to the Paris Convention for the Protection of Industrial Property nor a Member of the World Trade Organization.
- b. ☐ Regional application
- ☐ Missing indication of the filing date of the earlier application.
 - ☐ Filing date indicated for the earlier application does not fall within the period of 12 months preceding the international filing date.
 - ☐ Missing indication of the number of the earlier application.*
 - ☐ Missing indication of the authority entrusted with the granting of regional patents under the applicable regional patent treaty.
 - ☐ The authority indicated as the authority entrusted with the granting of regional patents does not grant regional patents.
 - ☐ The priority claim in relation to the ARIPO application does not indicate either at least one country party to the Paris Convention for the Protection of Industrial Property, or at least one Member of the World Trade Organization, for which the earlier application was filed.
- c. ☐ International application
- ☐ Missing indication of the filing date of the earlier application.
 - ☐ Filing date indicated for the earlier application does not fall within the period of 12 months preceding the international filing date.
 - ☐ Missing indication of the number of the earlier application.*
 - ☐ Missing indication of the receiving Office with which it was filed.

2. Inconsistency with the Corresponding Indications in the Priority Document*

- a. ☒ Inconsistency with regard to the filing date of the earlier application:
The request indicates: 01 February 2000 (01.02.00)
The priority document indicates: 30 January 2000 (30.01.00)
- b. ☐ Inconsistency with regard to the number of the earlier application:
The request indicates:
The priority document indicates:
- c. ☐ Inconsistency with regard to the country party to the Paris Convention for the Protection of Industrial Property or the Member of the World Trade Organization in which the national application was filed:
The request indicates:
The priority document indicates:
- d. ☐ Inconsistency with regard to the authority entrusted with the granting of regional patents under the applicable regional patent treaty:
The request indicates:
The priority document indicates:
- e. ☐ Inconsistency with regard to the receiving Office with which the international application was filed:
The request indicates:
The priority document indicates:

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* Even if this defect is not corrected in response to this invitation, the priority claim concerned will not be considered not to have been made (Rule 26bis.2(b)).

Addressee's fax number: 499-6290

WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)
ORGANISATION MONDIALE DE LA PROPRIÉTÉ INTELLECTUELLE (OMPI)

**PCT**

(Patent Cooperation Treaty)

34, chemin des Colombettes - 1211 Geneva 20 - Switzerland
Tel (41-22) 338 9111 - Telex 412 912 ompi ch - Facsimile (41-22) 733 5428
PCT Facsimile (41-22) 740 1435

Facsimile/Télécopie

Date : 23 May 2001 (23.05.01)

Fax: 512/499-6290

To : SCOTT, Russell, C.
Akin, Gump, Strauss,
Hauer & Feld, LLP
Suite 1900
816 Congress Avenue
Austin, TX 78701
ETATS-UNIS D'AMERIQUE

File Reference: 44463.0037PC

From : Karkachi Anne

Telephone: (41-22) 338 9656
Email address: Anne.Karkachi@wipo.int

Concerns: PCT/US01/02931

Number of pages including cover sheet : 3

Dear : Sir/Madam

Please find enclosed form PCT/IB/316 as reminder.

With best regards,

Karkachi Anne
PCT Examination Section I

#4

AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.

ATTORNEYS AT LAW

A REGISTERED LIMITED LIABILITY PARTNERSHIP
INCLUDING PROFESSIONAL CORPORATIONSFROST BANK PLAZA
816 CONGRESS AVENUE
SUITE 1900

AUSTIN, TEXAS 78701

(512) 499-6200

FAX (512) 499-6290

www.akingump.com
WRITER'S DIRECT DIAL NUMBER 512-703-1113
rscott@akingump.comAUSTIN
BRUSSELS
DALLAS
DENVER
HOUSTON
LONDON
LOS ANGELES
MOSCOW
NEW YORK
NORTHERN VIRGINIA
PHILADELPHIA
SAN ANTONIO
WASHINGTON, D.C.RIYADH - IN AFFILIATION WITH
LAW OFFICE OF ABDO LAZIZ H. FAHAD

June 1, 2001

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01 JUN 2001

Legal Staff
International Division

VIA FACSIMILE 1-703-308-6459

BOX PCT
COMMISSIONER FOR PATENTSAttn: PCT Legal
Washington, D.C. 20231Re: International Application "HIGH SPEED DATA TRANSFER MECHANISM"
Applicant: CommVault Systems, Inc.
International Application No.: PCT/US01/02931
Based on U.S. Serial No. 09/495,751
International Filing Date: 29 January 2001
Agent's File Ref. 44463.0041PCT

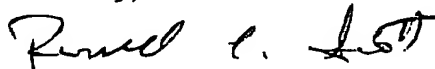
Dear Sir or Madam:

In reference to the Invitation to Correct Priority Claim (Form PCT/IB/316) dated May 11, 2001, enclosed is a copy of our response which was faxed to the International Bureau on May 29, 2001.

In addition, please note that the Priority Date is in order with the RO/US (see Forms PCT/RO/102, and PCT/RO/105 dated February 28, 2001). Kindly confirm that your records reflect the claimed priority date of 01 February 2000.

We appreciate your attention to this matter and look forward to receiving your reply.
Thank you.

Sincerely,



Russell C. Scott

RCS:ymf
Attachments

AKIN GUMP, STRAUSS, HAUER & FELL L.P.
ATTORNEYS AT LAW
A REGISTERED LIMITED LIABILITY PARTNERSHIP
INCLUDING PROFESSIONAL CORPORATIONS

1900 FROST BANK PLAZA
816 CONGRESS AVENUE
AUSTIN, TEXAS 78701
(512) 499-6200

Facsimile: 512-499-6290

Date: May 29, 2001

PLEASE DELIVER 11 PAGE(S) (including cover sheet) TO THE FOLLOWING:

	Name	Company	Facsimile Number
TO:	<u>Anne Karkachi</u>	<u>International Bureau of WIPO</u>	<u>011-41-22-740-1435</u>

FROM: Russell C. Scott, Agent for Applicant – Ref. No. 44463.0037PCT
PCT/US01/02931
International Filing Date: 29 JAN 2001
Priority Date: 01 FEB 2000

Comments/Special Instructions

Applicant: COMVAULT SYSTEMS, INC.

Dear Madam:

Further to your communication dated 11 May 2001 (PCT/IB/316), copy attached, please note that the Priority Date indicated in Box VI (Item 1) of the PCT Request is correct as it reads: **01 February 2000**. Please be advised that the Priority Document issued to the International Bureau indicates an incorrect filing date. We have today submitted a "Petition for Corrected Priority Document" to the U.S. Patent and Trademark Office's Office of Petitions regarding this matter. A copy of same is enclosed for your information. Please confirm via fax or email at rscott@akingump.com that, According to Rule 26bis.2(b), the Priority Claim will be considered to have been made, even though the corrected priority document has not been received in the International Bureau before the expiration of the 16-month time limit from the earliest claimed priority date.

Thank you.



Russell C. Scott

The information contained in this facsimile message is attorney-client privileged and confidential, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us at the above address via the U.S. Postal Service.

CLIENT/MATTER NO: 044463.0037 USER ID: 49561 SECRETARY Yvonne M. Ferrari EXT: 430

FAX OPERATOR VERIFICATION: _____

If there are any problems during this transmission, please call our office at 512-499-6229

FOLD LONG PERFORATIONS FOR EASY REMOVAL

The stamp of the Patent Office, placed hereon, acknowledges receipt of:

Serial No.: 09/495,751
Applicant: Ignatius et al.
Title: High Speed Data Transfer Mechanism
Client: CommVault Systems
AGSHF ID: 044463.0020
Attorney: RCS/ymf
Attorney Dkt/: 044463.0020

EL813906458US

Enclosed:

☒ Petition for Corrected Priority Document along w/Attachments A-D (10 pp.)
☒ Return Postcard .

Date Mailed: May 29, 2001

Via Express Mail Label EL813906458US